REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving a copy of form PTO-1449, on which the examiner has initialed all listed items.

The applicants wish to thank the examiner for the courtesy extended during the telephonic interview of August 2, 2004.

Claims 10 and 17 – 20 are pending. Claims 11 – 16, drawn to the non-elected group, have been canceled without prejudice or disclaimer. New claims 17 – 20 are added. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Applicants thank the examiner for indicating the allowability of claim 7, if re-written. Since claim 1 is believed to be allowable, claim 7 has not been re-written.

Claims 1 – 4 and 8 – 10 were rejected under 35 USC 102(b) as being unpatentable over U.S. Patent No. 6,057,626, Tanaka et al. ("Tanaka"). Claims 5 and 6 were rejected under 35 USC 103(a) as being unpatentable over Tanaka in view of U.S. Patent No. 3,535,776, Luca ("Luca"). The rejections, insofar as they may be applied to the claims as amended, are respectfully traversed for reasons including the following.

Each of Claims 1 and 10 recites that each short-circuiting part is seamlessly and integrally formed with and is electrically connected to at least a portion of each commutator segment of a corresponding one of the groups of the commutator segments. In *Schenck v.*

Nortron Corp., 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983), the claims were directed to a vibratory testing machine comprising a holding structure, a base structure, and a supporting means which form "a single integral and gaplessly continuous piece." The court held that the claims were patentable because the prior art perceived a need for mechanisms to dampen resonance, whereas the inventor eliminated the need for dampening via the integral structure. Similarly, in the claimed invention the integral structure feature allows not only easy manufacturing of the commutator, but also a more reliable electrical connection between the short-circuiting part and the corresponding commutator segment in comparison to a case where the short-circuiting part and the corresponding commutator are formed separately and are jointed together in a separate step. Since the integral structure meets a perceived need for a reliable electrical connection, it is respectfully submitted that the claimed invention is patentably distinct.

The office action contends that each short-circuiting part (29) of Tanaka et al. ('626) is seamlessly and integrally formed with and is electrically connected to at least a portion (29a) of each commutator segment (27) of a corresponding one of the groups of the commutator segments (27). To the contrary, as recited in column 4, lines 12-15, the numeral 29a of Tanaka et al. ('626) indicates a portion of the short-circuiting part (29) rather than a portion of the commutator segment (27). Furthermore, this portion (29a) of the short-circuiting part (29) is welded to a portion (36a) of the corresponding commutator segment (27). Thus, unlike claim 1, a seam should be present at the weld between the short-circuiting part (29) and the commutator segment (27). As a result, the short-circuiting part (29) is not seamlessly and integrally formed with the commutator segment (27) in Tanaka et al. ('626).

Furthermore, Tanaka et al. ('626) does not teach anything about the seamless formation of each short-circuiting part (29) with the portion of each commutator segment (27) of the corresponding one of the groups of the commutator segments (27) and its advantages discussed

above. Thus, the features of independent claim 1 and 10 mentioned above by way of example is neither taught nor suggested by Tanaka et al. ('626).

Applicants submit that the combination of features recited in independent claims 1 and 10 is patentable over the prior art cited by the Examiner, when each respective claim is interpreted as a whole. The applicants wish to thank the Examiner for indicating the allowability of claim 1 during the telephonic interview, for reasons including those provided above.

With regard to the rejected dependent claims 2-9 and 17-18, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claims 1 and 1, but also because of additional features they recite in combination.

Furthermore, claims 5 and 6 were rejected under 35 U.S.C.103(a) as being unpatentable over Tanaka et al. ('626) in view of Luca ('776). The office action cites Luca to attempt to remedy the deficiencies of Tanaka with regard to claims 5 and 6. The rejection, insofar as it may be applied to claims 5 and 6, is respectfully traversed for reasons including the following.

The office action admits that Tanaka fails to teach or suggest the claimed invention with respect to claims 5 and 6. Luca is cited to remedy the deficiencies of Tanaka. In particular, the office action admits or implies that Tanaka fails to teach or suggest the commutator segment including a plurality of subelements as claimed.

The Examiner contends that Luca shows each commutator segment including a plurality of sub-elements (11-16), which are stacked in the axial direction of the commutator for the purpose of reducing cost. To the contrary, the numerals 11-16 of Luca ('776) indicate ring elements, as recited in column 2, lines 9-13. These ring elements 11-16 are different from the sub-elements of one the commutator segments, which are arranged at generally equal angular intervals in a circumferential direction of the commutator.

None of these features mentioned above by way of example is taught or suggested by Tanaka; neither Tanaka nor Luca, alone or in combination, remedy these deficiencies. In view of the above, applicants submit that the proposed combination fails to make obvious the invention as claimed. It is therefore respectfully submitted that claims 5 and 6 are patentable.

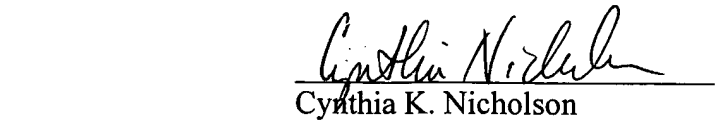
New claims 17 – 20 are added to further define the invention, and are believed to be patentable for reasons including those set out above.

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art, but applicants do not concede that the cited prior art shows any element recited in the claims. Applicants emphasize that any one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation.

In view of the forgoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



Cynthia K. Nicholson
Reg. No. 36,880

Posz & Bethards, PLC
11250 Roger Bacon Drive, Suite 10
Reston, VA 20190
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400